

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Stanley D.C. Akar James, Jr., *also*
known as Stanley D.C. Akar James,
#1076800, Jr.,

Plaintiff,

v.

Wellpath Incorporation Medical
Provider *Medical Provider: Jane Doe*
and John Doe; Jane Doe; John Doe,

Defendants.¹

Case No. 9:23-cv-01610-JDA-MHC

OPINION AND ORDER

This matter is before the Court on a Report and Recommendation (“Report”) of the Magistrate Judge. [Doc. 45.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Molly H. Cherry for pre-trial proceedings.

On July 15, 2024, the Magistrate Judge issued the Report recommending that this case be dismissed, without prejudice, as against Defendants Jane Doe and John Doe, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. [Doc. 45.] The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. [*Id.* at 3.] Plaintiff has filed no objections and the time to do so has lapsed.

¹ This caption reflects the parties currently involved in the action.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, this case is DISMISSED, without prejudice, as against Defendants Jane Doe and John Doe, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.²

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

October 2, 2024
Charleston, South Carolina

² The Court notes that the docket reflects that the only remaining Defendant, Wellpath Incorporation Medical Provider (“Wellpath”) was served on January 5, but there has been no appearance by counsel on Wellpath’s behalf, nor has Wellpath filed any responsive pleading. [Doc. 35.] On April 16, 2024, the Court directed Plaintiff to advise the Court within 21 days of Wellpath’s status, as well as Plaintiff’s intention with regard to any claims against Wellpath. [*Id.*] The docket does not appear to reflect any response from Plaintiff.

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.